

REMARKS

1. The Applicant expresses his appreciation to the Examiner for the diligence shown in the examination of this application.
2. Reconsideration of the application as amended is respectfully requested.
3. Several editorial changes have been made in the specification to address objections as stated by the Examiner. Specifically, specification changes were made to correct the spelling of “block” on page 19, line 12 and page 20, line 1, correct the reference characters “121A” to “119A” of page 20, line 9, “309” to “308” of page 23, line 14, “101” to “2001” of page 29, line 22, “2017” to “1217” of page 30, line 5, “2208” to “2205” of page 31, line 18, and add reference character “2045” to page 31, line 15 to be consistent with the specification as originally filed.
4. Drawing changes have been made to FIGS, 6, 13, and 16 to correct objections as more fully detailed in the section entitled “Amendments to the Drawings” and the drawing attachments.
5. Independent claims 1 and 10 were amended to more particularly claim the invention over the art of record. Dependent claim 3 was amended to include language originally in claim 4. Dependent claims 12 and 20 were amended to be consistent with the amended base claims. Claims 4 and 11 were cancelled. Claim 21 was allowed by the Examiner.
6. The language objected to in claim 4 was made mute by cancellation of the claim. The recitation of “an end of said weight engagement assembly”, canceled in claim 11, was changed to “a bottom portion of said stop assembly—“ in base claim 10. The Applicant submits that the recitation of stop assembly instead of the frame portion is clear as recited in the claim. These claims are all submitted to be patentable over the cited references because they (1) recite novel structure and thus distinguish physically over every

reference (section 102) and (2) the physical distinctions effect new and unexpected results, thereby indicating that the physical distinctions are unobvious under section 103.

The Applicant submits that no new matter was introduced as a result of these amendments.

7. Claims 1, 5 and 6 were rejected under 35 U.S.C. section 102(b) as being anticipated by Dawson, Jr. Claims 1, 5 and 8 were rejected under section 102 (b) as being anticipated by Leflar. Claims 10-15 were rejected under section 102(b) as being anticipated by Polidi. Claims 1-15 and 20 were rejected under 35 U.S.C. section 102 (b) as being anticipated by Becker. Dawson, Jr. discloses a self-spotting exercise apparatus. The apparatus utilizes a pair of guide posts to guide a barbell assembly in a vertical direction. Leflar discloses a barbell-exercising device. The device utilizes a carriage for each of two guides 17, 19. Polidi discloses a mechanical weightlifting machine for use with free-weights. The device utilizes two articulating mechanisms having projecting lever arms connected with a pivot. Becker discloses a barbell support. The support utilizes flexible cables extending from a carriage slidable along an upright column, over pulleys to a barbell.

The Claims, as amended, Recite Novel Physical Features And Structure And Hence Make The Claims Patentable Under Section 102(b).

8. The applicant submits that independent claims 1 and 10, as amended, recite novel physical features and structure and hence make the claim patentable under section 102(b).

9. Specifically, the “second weight engagement assembly translatable along said elongated weight support assembly and disposed on said weight support assembly between said first weight engagement assembly and said top end” recited in independent claim 1 is novel over Dawson, Jr, Leflar, Polidi and Becker. The second weight engagement assembly of both Dawson, Jr.(stops S) and Leflar (safety rests 33,35) are positioned between the respective first weight engagement assemblies and the bottom

end. Polidi has no first weight engagement assembly as defined by the claim and Becker has no second weight engagement assembly as defined by the claim.

10. Similarly, in the case of independent claim 10, “a load bearing surface on a bottom portion of said stop assembly whereby said stop assembly prevents said upward translation of said weight engagement assembly” recited in independent claim 10 is novel over Dawson, Jr, Leflar, Polidi and Becker. The weight engagement assembly of Dawson, Jr.(stops S), Leflar (safety rests 33,35), and Polidi (weight rests 74) have load bearing surfaces only on the top surface of the stops. Becker discloses no load bearing surface on the top or bottom of the stop.

The Novel Physical Features Of The Claims Provide New and Unexpected Results And Hence Should be Considered Unobvious, Making the Claims Patentable Under Section 103.

11. The Applicant submits that new independent claims 1 and 10 provide new and unexpected results and hence should be considered unobvious, making the claim patentable under section 103.

12. Specifically, the “second weight engagement assembly translatable along said elongated weight support assembly and disposed on said weight support assembly between said first weight engagement assembly and said top end” recited in independent claim 1 results in a self-spotting apparatus in which simple disengagement of the engagement element allows the safety stop to fall by gravity quickly and reliably to securely lock the weight from dropping below the position in which the stop was set. This feature, not available in any of the art of record results in a safer, more reliable apparatus.

13. Similarly, in the case of independent claim 10, “a load bearing surface on a bottom portion of said stop assembly whereby said stop assembly prevents said upward translation of said weight engagement assembly” recited in independent claim 10 allows use in a self-spotting apparatus in which simple disengagement of the engagement element allows the safety stop to fall by gravity quickly and reliably to securely lock the weight from dropping below the position in which the stop was set. This feature, not available in any of the art of record results in a safer, more reliable apparatus.

Unsuggested Combination

14. None of the references cited and relied upon contain any suggestion that the disclosed features recited in these remarks be combined.

References Take Different Approaches

15. Dawson, Jr. and Leflar disclose weight assemblies translatable along columns. Polidi discloses two articulating structures on a frame. Becker discloses a free-weight connected to a carriage by cables. The unrelated and diverse operating modes of the equipment would teach away from incorporation of the features as disclosed in the claims.

Combination Still Lacking Novel Features

16. Even if the references are combined as suggested by the Examiner, the resulting combination would still not result in the present invention as recited in the amended claims. A combination would not result in an apparatus with a “second weight engagement assembly translatable along said elongated weight support assembly and disposed on said weight support assembly between said first weight engagement

assembly and said top end" in the case of independent claim 1 or "a load bearing surface on a bottom portion of said stop assembly whereby said stop assembly prevents said upward translation of said weight engagement assembly" in the case of independent claim 10. In regards to the combination of Becker and Dawson, Jr. in the section 103(a) rejection of claims 18 and 19, the combination, if undertaken would still not result in upper and lower bushings of a low friction polymer material. Dawson, Jr. discloses only an interior coating high-density polyethylene.

The Cited But Non-Applied References

17. These subsidiary references have been noted and reviewed, but are submitted to be less relevant than the relied upon references.

The Dependent Claims Are A-fortiori Patentable

18. The dependent claims add additional novel features and thus are submitted to be, a-fortiori, patentable.

Allowance Requested

19. For the above reasons, the Applicant submits that the Self-Spotting Apparatus for Free-Weights disclosed and claimed in the present application is not taught by any of the references of record, taken either alone, or in combination. Therefore, allowance of the present application is in order and respectfully requested.

Request For Constructive Assistance

The undersigned has made a diligent effort to amend the claims of this application so that they define novel structure and render the claimed structure unobvious because it produces new and unexpected results. If for any reason the claims of this application are not believed to be in full condition for allowance, applicant respectfully requests the constructive assistance and suggestions of the Examiner pursuant to MEP 707.07(j) and MEP 706.03 (d) in order that this application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Very Respectfully,



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MS: Non-Fee Amendments, Commissioner of Patents, PO Box 1450, Arlington, VA 22313-1450 on: 3 Feb 2005

Kenneth S. Watkins, Jr.

Name of Registered Representative



Signature Reg. No. 37466

Amendments to the Drawings:

The attached sheets of drawings includes changes to FIG. 6, FIG. 13, and FIG. 16. In FIG. 6, cable loops 199B1, 199B2 have been changed to 198B1, 198B2 in accordance with the amended specification to correct duplicate reference characters for seats 199B1, 199B2.

In FIG. 13, the upper reference character 1217A has been amended to 1217A1 to be consistent with the specification as originally filed.

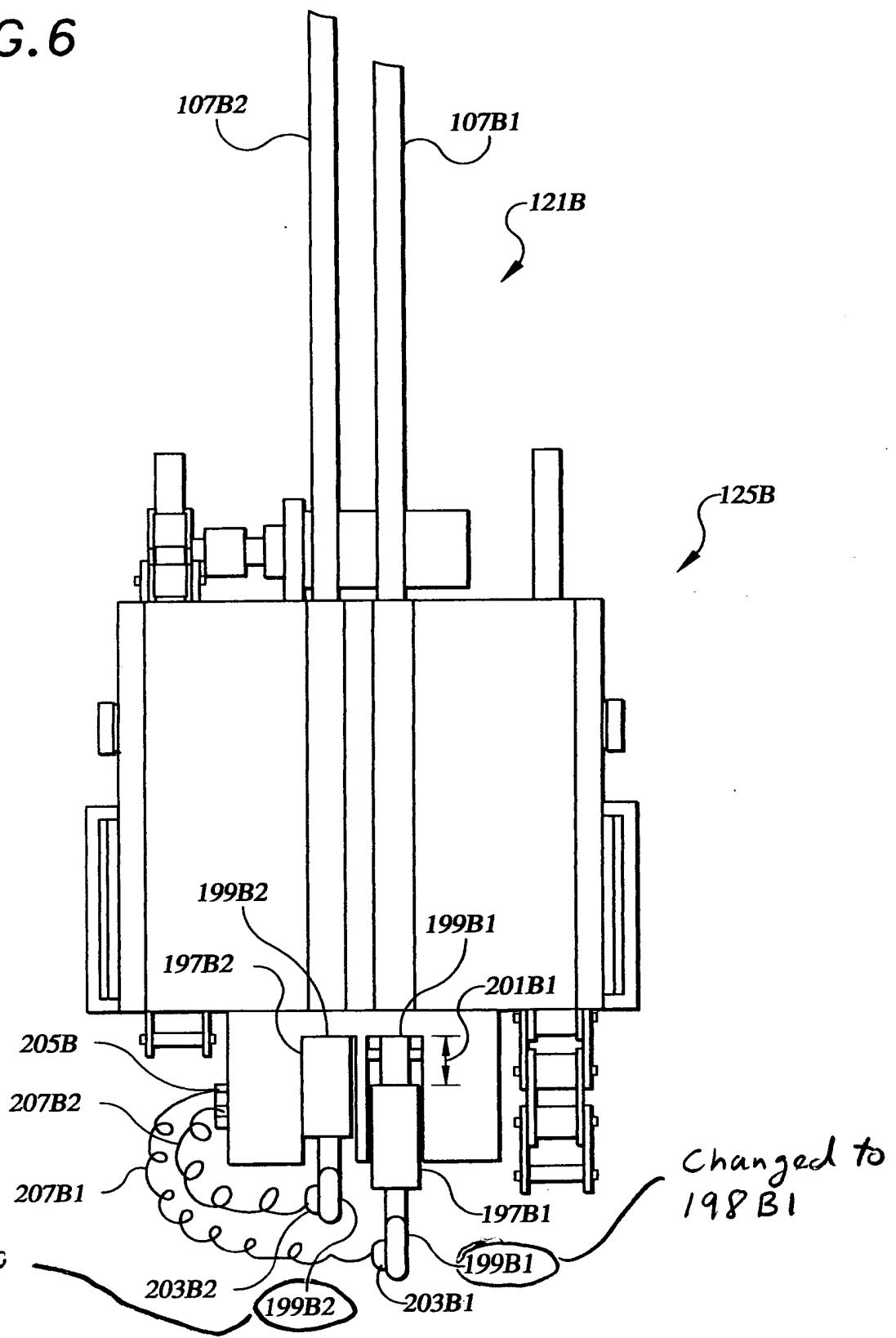
In FIG. 16, reference character 1629 has been removed in accordance with the amended specification to correct duplicate reference characters for the crimp connector.

Attachment: Replacement Sheets for FIG. 6 (6/24), FIG. 13 (14/24) and FIG. 16 (16/24)
Annotated Sheets Showing Changes



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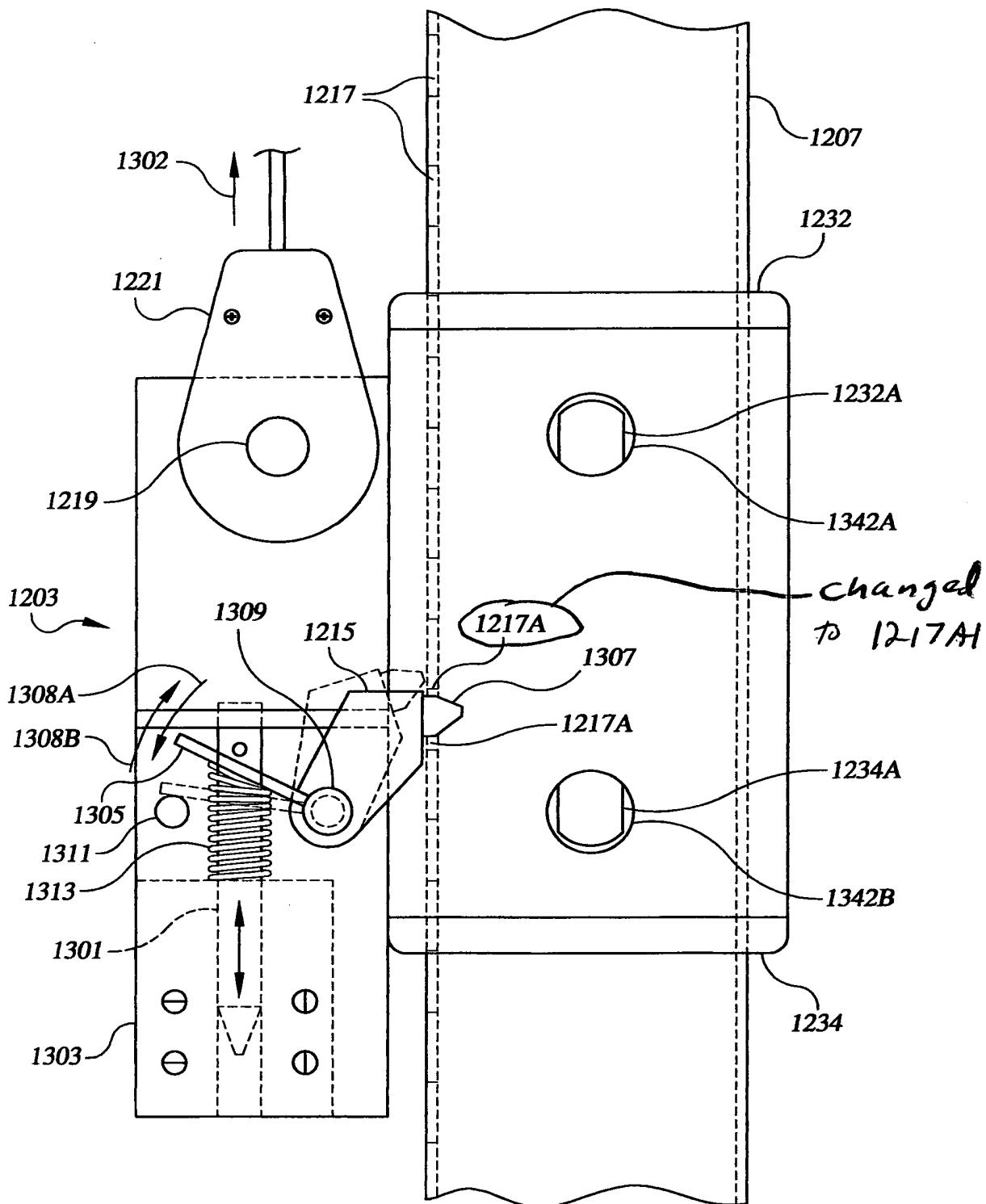
FIG. 6





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FIG.13





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FIG. 16

Deleted

